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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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STERLING ATKINS,

Petitioner,

v.

TIMOTHY FILSON, *et al.*,

Respondents.

Case No. 2:02-cv-01348-JCM-PAL

ORDER

In this capital habeas corpus action, the respondents filed an answer on April 13, 2018 (ECF No. 219). The petitioner, Sterling Atkins, then filed a reply (ECF No. 222) and a motion for evidentiary hearing (ECF No. 223) on September 7, 2018. Respondents are to file a response to the reply and a response to the motion for evidentiary hearing by October 9, 2018. See Order entered August 10, 2015 (ECF No. 167) (30 days for response to reply; response to motion for evidentiary hearing due at same time as response to reply; October 7 is a Sunday; and October 8 is a holiday).

On September 21, 2018, Respondents filed a motion for extension of time (ECF No. 224), requesting that the deadline for the response to reply and response to motion for evidentiary hearing be extended to December 7, 2018, an extension of 59 days. This would be the first extension of this deadline. Respondents' counsel states that the extension of time is necessary because of her obligations in other cases, and time away from her office. The petitioner does not oppose the motion for extension of time. The


1 Court finds that Respondents' motion for extension of time is made in good faith and not
2 solely for the purpose of delay, and that there is good cause to extend this deadline.

3 **IT IS THEREFORE ORDERED** that Respondents' Motion for Enlargement of Time
4 (ECF No. 224) is **GRANTED**. Respondents will have until **December 7, 2018**, to file their
5 response to the petitioner's reply and their response to the petitioner's motion for
6 evidentiary hearing.

7 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further
8 proceedings set forth in the order entered August 10, 2015 (ECF No. 167) will remain in
9 effect.

10 **IT IS FURTHER ORDERED** that, pursuant to Federal Rule of Civil Procedure
11 25(d), the Clerk of the Court shall substitute William Gittere, for Timothy Filson, on the
12 docket for this case, as the respondent warden.

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14 DATED September 27, 2018.

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17 JAMES C. MAHAN,
18 UNITED STATES DISTRICT JUDGE
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